

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

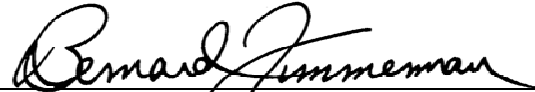
ROBERT DABNEY, et al.,)	
)	
Plaintiff(s),)	No. C09-4116 BZ
)	
v.)	
)	ORDER GRANTING MOTION
CITY OF HAYWARD, et al.,)	TO DISMISS
)	
Defendant(s).)	
_____)	

Before the Court is the motion of defendant City of Hayward to dismiss this civil rights complaint on two grounds. Plaintiffs concede their failure to file a state administrative claim and do not oppose dismissal of their state law claims.

As to the adequacy of the federal claims in the complaint, both sides' briefing is underwhelming. However, the Court is concerned that the complaint may not meet the pleading requirements of Ashcroft v. Iqbal, ___ U.S. ___, 129 S. Ct. 1937 (2009), particularly as to the moving defendant. See Monell v. Department of Social Services, 436 U.S. 658, 692-95 (1978).

1 The Court finds no need for argument and **VACATES** the
2 hearing presently scheduled for February 17, 2010. **IT IS**
3 **ORDERED** that defendant's motion to dismiss is **GRANTED**. The
4 state law claims are dismissed and leave to amend the federal
5 claims is **GRANTED**. Plaintiff shall file an amended complaint
6 by February 22, 2010.

7 Dated: February 2, 2010



Bernard Zimmerman
United States Magistrate Judge

10 G:\BZALL\BZCASES\DABNEY V. CITY OF HAYWARD\ORDER GRANTING DEF'S MOT TO
11 DISMISS.wpd